

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IBM CORPORATION AND IBM CANADA LTD.,

Plaintiffs,

-against-

TERAPROC INC.,

ORDER DIRECTING  
COMPLIANCE

16 Civ. 7989 (CS) (PED)

Defendant.

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This action arises out of alleged violations of the Copyright Act, 17 U.S.C. § 101 et seq., Defend Trade Secrets Act, 18 U.S.C. § 1836 and corresponding state laws. Plaintiffs IBM Corporation, and IBM Canada Ltd. (collectively, “IBM”) have identified non-party Cadence Design Systems, Inc. (“Cadence”) as a third-party user of its proprietary information.

On December 13, 2017, IBM’s counsel duly served Cadence with a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in Civil Action. Dkt. 37-1, Ex. A, Subpoena and Affidavit of Service. IBM’s subpoena requested that Cadence produce documents responsive to ten requests for production by December 28, 2018. *Id.* IBM’s counsel has represented that: (i) Cadence initially replied that it would be closed through the end of the year but agreed to coordinate a workable deadline for production; (ii) Cadence did not produce documents responsive to IBM’s ten requests for production by the original December 28, 2018 deadline; (iii) IBM’s counsel made additional attempts to contact Cadence by both telephone and email; and (iv) IBM’s counsel received no response. Dkt. 37.

Presently before this Court is IBM’s request for an order to compel Cadence’s compliance with IBM’s subpoena, or, in the alternative, to show cause for its failure to comply with the subpoena. Dkt. 37. It is apparent from the record that: (i) despite having been properly served with a subpoena, Cadence failed to produce documents responsive to IBM’s ten requests for production by the noticed date; and (ii) Cadence ignored IBM counsel’s subsequent communications. Accordingly, it is

**ORDERED that Cadence Design Systems, Inc. shall comply with the subpoena *or* show written cause demonstrating adequate excuse for its defiance/failure to comply with the subpoena no later than April 3, 2018.**

**NOTICE TO CADENCE DESIGN SYSTEMS, INC.:**

**If Cadence does not comply with the subpoena or demonstrate adequate excuse for its defiance/failure to comply with the subpoena by April 3, 2018, Cadence may be held in contempt of court and subject to sanctions.**

IBM's counsel is directed to serve a copy of this Order to Show Cause on Cadence within five (5) days of the date of this Order, and to file proof of service within five (5) days thereafter.

Dated: March 15, 2018  
White Plains, New York

**SO ORDERED.**

  
PAUL E. DAVISON, U.S.M.J.